

**CITY COUNCIL MEETING
NOVEMBER 27, 2001**

Date & Time	On the 27 th day of November, A.D., 2001, the City Council of the City of Fort Worth, Texas, met in regular session at 10:31 a.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:
Attendance	Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council Members Jim Lane, Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; Assistant City Secretary Sylvia Glover. With more than a quorum present, the following business was transacted:
Invocation	The invocation was given by Pastor Robert Arrubla, Good Shepherd Baptist Church.
Pledge	The Pledge of Allegiance was recited.
Minutes	On motion of Council Member Davis, seconded by Mayor Pro tempore McCloud, the minutes of the regular meeting of November 20, 2001, were approved unanimously.
Announcements	<p>Council Member Moss announced that a Public Forum would be conducted at Sunrise Elementary School tonight at 7:00 p.m. and invited the public to attend.</p> <p>Council Member Lane announced that the groundbreaking for the new La Grave Field would be held December 3, 2001, at 2:00 p.m. at the site of the old La Grave Field, and invited everyone to attend. Mayor Barr stated that many people in the community worked on this endeavor. He recognized Carl Bell for his large contribution to the project, as well as the efforts of Assistant City Attorney Peter Vaky, and Brian Boerner from Environmental Management.</p> <p>Mayor Barr reminded the listening audience that the December 4, 2001 Council Meeting had been changed and would be held at 10:00 a.m. and not at the regularly scheduled time of 7:00 p.m.</p>
Continued/ Withdrawn By Staff	City Manager Jackson requested that Mayor and Council Communication No. G-13427 be withdrawn from the agenda; G-13446 be continued until December 11, 2001; and Zoning Docket No. ZC-01-1013 be continued for one week.
Consent Agenda	On motion of Council Member Silcox, seconded by Council Member Haskin, the consent agenda was adopted unanimously.

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- Appointments** Council Member Silcox made a motion, seconded by Mayor Pro tempore McCloud, that Brud Pickett be appointed to Place 3 on the City Plan Commission effective November 27, 2001, and with a term expiring October 1, 2003. The motion carried unanimously.
- Council Member Haskin informed Council that there were vacancies on the Board of Adjustment and Fort Worth Human Relations Commission and asked them to please submit names or applications of anyone they knew interested in serving on one of these boards.
- OCS-1251
Claims** There was presented Mayor and Council Communication No. OCS-1251 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance Department. It was the consensus of the City Council that the recommendation be adopted.
- G-13427
Withdrawn** It was the consensus of the City Council that Mayor and Council Communication No. G-13427, Authorize Payment for the City of Fort Worth's FY2001-2002 Membership with the Dallas/Fort Worth Regional Film Commission, be withdrawn from the agenda.
- G-13445
Payment for
Membership
with Texas
Municipal
League** There was presented Mayor and Council Communication No. G-13445 from the City Manager recommending that the City Council authorize payment for the City's membership with the Texas Municipal League in the amount of \$25,558.00. It was the consensus of the City Council that the recommendation be adopted.
- G-13446
Continued Until
December 11,
2001** It was the consensus of the City Council that Mayor and Council Communication No. G-13446, Adopt Ordinance Revising Chapter 32, Article 1 of the City Code to Include Motor Vehicles Leases for Personal Use, be continued until December 11, 2001.
- L-13199
Ord. # 14869
Purchase
Property for La
Grave Field** There was presented Mayor and Council Communication No. L-13199 from the City Manager recommending that the City Council:
1. Adopt Appropriation Ordinance No. 14869 increasing the estimated receipts and appropriations in the Environmental Management Project Fund in the amount of \$26,000.00 from available funds for the purpose of funding ground water sampling costs at 600 North Jones; and

- 2. Approve the transfer of \$26,000.00 from undesignated funds in the Environmental Management Operating Fund to the La Grave Field project in the Environmental Management Project Fund; and**
- 3. Authorize payment in the amount of \$26,000.00 to Cytec Industries, Inc. for groundwater sampling and testing and closing costs necessary to purchase the property at 600 North Jones for the development of La Grave Field.**

Council Member Haskin made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried unanimously.

**C-18843
Westhill
Construction,
Inc.**

There was presented Mayor and Council Communication No. C-18843 from the City Manager recommending that the City Council confirm an emergency procurement contract with Westhill Construction, Inc. for payment repair along Lancaster Avenue from Summit Street to Foch Street in the amount of \$204,000.00. It was the consensus of the City Council that the recommendation be adopted.

**C-18844
Carter
Metropolitan
Community
Development
Corporation**

There was presented Mayor and Council Communication No. C-18844 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to execute a contract with Carter Metropolitan Community Development Corporation (Carter Metro CDC) for the Home Investment Partnerships Program (HOME) Community Housing Development Organization (CDHO) in the amount of \$218,351.00 to continue the development process and construction of homes affordable to low and moderate-income homebuyers; and**
- 2. Authorize the contract to begin on the date of execution, and expire December 31, 2002; and**
- 3. Authorize extension or renewal of the contract for up to one year, if Carter Metro CDC requests an extension; and**
- 4. Authorize amendment of the contract, if necessary, to achieve project goals provided that the amendment is within the scope of the project, and in compliance with applicable laws and regulations; and**

- 5. Authorize Carter Metro CDC to retain a portion of the proceeds, as defined by Section 92.300(a)(2) of the HOME Program.**

It was the consensus of the City Council that the recommendation be adopted.

**C-18845
Near Northside
Partners
Council, Inc.**

There was presented Mayor and Council Communication No. C-18845 from the City Manager recommending that the City Council:

- 1. Authorize the reallocation of \$160,000.00 in existing FY2001 Home Investment Partnerships Program (HOME) grant funds in order to execute a contract with the Near Northside Partners Council, Inc.; and**
- 2. Authorize the City Manager to execute a contract with the Near Northside Partners Council, Inc. in an amount not to exceed \$160,000.00 in FY2001 HOME funds to purchase vacant residential lots and construct and sell two single-family homes in the near northside area; and**
- 3. Authorize the contract to begin on the date of execution, and expire twelve months thereafter; and**
- 4. Authorize extension or renewal of the contract for up to one year, if the Near Northside Partners Council, Inc. requests an extension; and**
- 5. Authorize amendment of the contract, if necessary, to achieve project goals provided that the amendment is within the scope of the project, and in compliance with applicable laws and regulations; and**
- 6. Authorize the Near Northside Partners Council, Inc. to retain the proceeds as defined by Section 92.300(a)(2) of the HOME Program and in conformance with City policy.**

It was the consensus of the City Council that the recommendation be adopted.

**C-18846
United Riverside
Rebuilding
Corporation**

There was presented Mayor and Council Communication No. C-18846 from the City Manager recommending that the City Council:

- 1. Authorize the reallocation of \$125,900.00 in existing Home Investment Partnerships Program (HOME) grant funds in order to execute a contract with the United Riverside Rebuilding Corporation; and**
- 2. Authorize the City Manager to execute a contract with the United Riverside Rebuilding Corporation in an amount not to exceed \$125,900.00 in FY2001 HOME funds to purchase, rehabilitate, and resell two single-family homes in the Riverside area; and**
- 3. Authorize the contract to begin on the date of execution, and expire twelve months thereafter; and**
- 4. Authorize extension or renewal of the contract for up to one year, if the United Riverside Rebuilding Corporation requests an extension; and**
- 5. Authorize amendment of the contract, if necessary, to achieve project goals provided that the amendment is within the scope of the project, and in compliance with applicable laws and regulations; and**
- 6. Authorize the United Riverside Rebuilding Corporation to retain the proceeds as defined by Section 92.300(a)(2) of the HOME program and in conformance with City policy.**

It was the consensus of the City Council that the recommendation be adopted.

**C-18847
Amendment #6
to CSC #24692 –
Austin
Commercial, Inc.**

There was presented Mayor and Council Communication No. C-18847 from the City Manager recommending that the City Council approve Amendment No. 6 to City Secretary Contract No. 24692 with Austin Commercial, Inc. for the provision of additional design and construction management services for the construction of the Fort Worth Convention Center for an additional fee not to exceed \$3,542,500.00. It was the consensus of the City Council that the recommendation be adopted.

**C-18848
Ord. #14870
Sutton &
Associates, Inc.**

There was presented Mayor and Council Communication No. C-18848 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to transfer \$439,232.87 from the Water and Sewer Fund to the Water Capital Project Fund in the amount of \$298,800.00, and the Sewer Capital Project Fund in the amount of \$140,432.87; and**
- 2. Adopt Appropriation Ordinance No. 14870 increasing the estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$298,800.00 and in the Sewer Capital Project Fund in the amount of \$140,432.87 from available funds for the purpose of funding a contract with Sutton & Associates, Inc., for HMAC Surface Overlay 2002-2; and**
- 3. Authorize the City Manager to execute a contract with Sutton & Associates, Inc. in the amount of \$784,865.75 for HMAC Surface Overlay 2002-2, with a completion time of 55 working days.**

It was the consensus of the City Council that the recommendation be adopted.

**C-18849
Conatser
Construction,
Inc.**

There was presented Mayor and Council Communication No. C-18849 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Conatser Construction, Inc. for an 8-inch and 12-inch water main for St. Francis Village in the amount of \$432,676.20. It was the consensus of the City Council that the recommendation be adopted.

**C-18850
Oscar Renda
Contracting, Inc.**

There was presented Mayor and Council Communication No. C-18850 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Oscar Renda Contracting, Inc. in the amount of \$2,455,376.00 and 270 working days for construction of the Southside II (S2-6) Contract 3 Water Transmission Main, Phase 1. It was the consensus of the City Council that the recommendation be adopted.

**C-18851
M. A. Vinson
Construction
Company, Inc.**

There was presented Mayor and Council Communication No. C-18851 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with M. A. Vinson Construction Company, Inc. in the amount of \$174,452.00 and 50 working days for drainage improvements for Meadows West Channel. It was the consensus of the City Council that the recommendation be adopted.

**C-18852
Amend CSC
#22369 – Tech
Data
Corporation**

There was presented Mayor and Council Communication No. C-18852 from the City Manager recommending that the City Council authorize the City Manager to execute an amendment to City Secretary Contract No. 22369, a Tax Abatement Agreement with Tech Data Corporation.

Council Members Haskin and Picht disclosed that they had a banking relationship with Wells Fargo Bank, but stated that this did not prohibit them from voting on this M&C.

Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

**C-18853
Lonestar Tennis
Corporation**

There was presented Mayor and Council Communication No. C-18853 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with the Lonestar Tennis Corporation for the management of operations at the McLeland Tennis Center; and authorize the contract to begin January 1, 2002, and expire December 31, 2004, with options to renew for two additional one-year periods. Council Member Davis made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried unanimously.

**ZC-01-1013
Continued for
One Week**

It was the consensus of the City Council that Zoning Docket No. ZC-01-1013, Cytex Industries by the City of Fort Worth by Tom Higgins for a change in zoning of property located at 500 North Commerce, East of North 5th Street from “J” Medium Industrial to “MU-2” High Density Mixed Use, be continued for one week.

**ZC-01-1026
Continued for
Two Weeks**

It appeared that the City Council, at its meeting of November 13, 2001, continued the hearing of Zoning Docket No. ZC-01-1026, application of the City of Fort Worth for a change in zoning of property described below:

Area 3: 3600-3800 Golden Triangle Boulevard from “AG” Agricultural to “PD-SU” Planned Development/Specific Use for all uses in “FR” General Commercial Restricted plus machine shop, metal fabricating, veterinary facility with outdoor kennels and grease recycling, and waiver of site plan recommended.

Area 9: 8600-8700 Old Denton Road from “AG” Agricultural to “I” Light Industrial.

Mayor Barr asked if there was anyone present desiring to be heard.

- Lance Griggs** Mr. Lance R. Griggs, 6613 Longleaf Lane, representing the Summerfields Neighborhood Association, appeared before Council in opposition of the requested zoning change. He stated that although the neighborhood association participated in the original zoning discussions in February 2001, they had not received any notification of the case going before Council for a vote today. He added that the proximity of the zoning change in relation to the neighborhood gives the neighborhood a vested interest in what is constructed in the area. The association was concerned with Area 9 being zoned to "I" Light Industrial and with the City possibly perpetuating incorrect zoning. He further stated that the Association would like to see the property zoned for other use and requested Council allow them additional time to work with the applicants to discuss changing the zoning to that of a more suitable use. He further stated that they would like for the City Council to change the zoning to "A" or "C" with a "PD/SU" or send it back to the City Zoning Commission for rehearing.
- Jim Schell** Mr. Jim Schell, 901 Fort Worth Club, appeared before Council in support of the zoning change. He stated that owners in the current single-family zoned parcels all elected to go to "I" Light Industrial zoning. He added that City staff stated that the proposed change was the closest zoning for the area to conform to the Comprehensive Plan, based on the current usage, and that the change was unanimously approved by the Zoning Commission. He requested that the Council uphold the decision of the Zoning Commission and approve the zoning change.
- Clay Bowden** Mr. Clay Bowden, representing Dos Amigos, appeared before Council at the request of Council Member Davis. He briefed the Council on 30,000 square foot expansion of the food processing plant to add a refrigerated warehouse and a small dry storage area. Mr. Bowden also addressed the odor concerns as being minimal.
- Bob West** Mr. Bob West, 301 Commerce Street, representing property owner Bill Markham, appeared before Council in support of the zoning change. He stated that his client had purchased the land before it was annexed into the City and had invested over \$800,000.00 of improvements to the property and wanted the property zoned "I" Light Industrial because he had outdoor storage. He added that 100 percent of the owners in parcels 9 and 10 had agreed with the zoning change and requested Council's approval.

There being no one else present desiring to be heard in connection with the application of the City of Fort Worth, and after a lengthy discussion among the Council relative to legally non-conforming zoning, owner property interests, and land use, Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that Zoning Docket No. ZC-01-1026 be continued for two weeks. The motion carried unanimously.

Mayor Barr stated that Citizen Presentations would be heard at this time.

**Citizen
Presentations
Riley Cantrell**

Mr. Riley Cantrell, 2300 Sundrop Court, appeared before Council regarding charitable contributions and community service/volunteerism.

**ZC-01-1028
Approved**

It appeared that the City Council, at its meeting of November 13, 2001, continued the hearing of the application of the City of Fort Worth for a change in zoning of property located in the 2400-2600 Block of Cunningham Road and Risinger Road from "AG" Agricultural to "A-5" One-Family and "I" Light Industrial, Zoning Docket No. ZC-01-1028. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one present desiring to be heard in connection with the application of the City of Fort Worth, Council Member Picht made a motion, seconded by Council Member Lane, that the Zoning Hearing be closed and that Zoning Docket No. ZC-01-1028 be approved. The motion carried unanimously.

**ZC-01-1041
Continued Until
December 11,
2001**

It appeared that the City Council, at its meeting of November 13, 2001, continued the hearing of the application of J. D. Von Wahlde for a change in zoning of property located at 1216 S. Jennings Avenue from "D" High Density Multi-Family and "G" Intensive Commercial to "PD/SU" Planned Development/Specific Use for all uses in "G" Intensive Commercial plus outdoor storage of trailers, equipment and roofing trusses with an 8-foot solid fence required along south and east sides with 8-foot lagustrum on east side, and waiver of site plan recommended, Zoning Docket No. ZC-01-1041 (See letter of continuance). Mayor Barr asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard in connection with the application of J. D. Von Wahlde, Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that Zoning Docket No. ZC-01-1041 be continued until December 11, 2001. The motion carried unanimously.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 14871

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously.

Z-01-032
Approved
Ord. # 14872
Text
Amendment

It appeared that the City Council, at its meeting of November 20, 2001, continued the hearing of Zoning Docket No. Z-01-032, Text Amendment amending the Zoning Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth, by amending Chapter 9 to add definitions of food vendors, temporary vendors, and transient vendors, amending Section 5.406 to establish regulations concerning temporary vendors, amending the Residential District Use Table in Section 4.603 to add vendor, transient as a use by right under temporary uses starting with the A-43 District, amending the Non-Residential Use Table in Section 4.603 to add mobile vendors under the temporary uses, to exempt all event/activities/festivals approved by the Board of Adjustment under Section 5.400 of the Zoning Ordinance entitled "Amusement, Outdoor (Temporary)", all events/activities/festivals open to the

public for the purpose of providing entertainment, food and/or sales of merchandise that no longer than three days. Mayor Barr asked if there was anyone present desiring to be heard.

John Garfield, representing the Development Department, stated that the ordinance needed to be amended as follows:

- a. Section 2, paragraphs A2c and A3c: Delete "...as set out in Section 16, 'Health and Sanitation', Article IV, Division 2 'Food Establishments, Permits and Plans Review' of the Code of the City of Fort Worth."
- b. Section 2, paragraphs A2d and A3d: Add after "...table", "and a seating capacity of four." and delete "...four (4) chairs."

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Ordinance No. 14872 Text Amendment, Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the hearing be closed and that the following ordinance be adopted, as amended:

ORDINANCE NO. 14872

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 9 TO ADD DEFINITIONS OF VENDOR CERTIFICATE OF OCCUPANCY, FOOD VENDORS, TEMPORARY VENDORS, AND TRANSIENT VENDORS, AMENDING SECTION 5.406 TO ESTABLISH REGULATIONS CONCERNING TEMPORARY VENDORS, AMENDING THE RESIDENTIAL DISTRICT USE TABLE IN SECTION 4.603 TO ADD VENDOR, TRANSIENT AS A USE BY RIGHT UNDER TEMPORARY USES STARTING WITH THE A-43 DISTRICT, AMENDING THE NON-RESIDENTIAL USE TABLE IN SECTION 4.603 TO ADD MOBILE VENDORS UNDER THE TEMPORARY USES, TO EXEMPT ALL EVENTS/ACTIVITIES/FESTIVALS APPROVED BY THE BOARD OF ADJUSTMENT UNDER SECTION 5.400 OF THE ZONING ORDINANCE ENTITLED "AMUSEMENT, OUTDOOR (TEMPORARY)", ALL EVENTS/ACTIVITIES/FESTIVALS APPROVED BY CITY COUNCIL AND ALL EVENTS/ACTIVITIES/FESTIVALS OPEN TO THE PUBLIC FOR THE PURPOSE OF PROVIDING ENTERTAINMENT, FOOD AND/OR SALES OF MERCHANDISE THAT LAST NO LONGER THAN THREE DAYS, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion carried by the following vote:

**AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Silcox, Moss, Picht,
Wentworth, and Davis**

NOES: Council Member Haskin

ABSENT: None

Mayor Barr stated that City Attorney Yett had advised him that the Executive Session was not required.

Adjournment There being no further business, the meeting was adjourned at 12:25 p.m.